(2)

No. 90-1204

Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1990

EUGENE P. ECCLI,

Petitioner,

v.

WILL VON KLEMPERER, et al.,

Respondents.

Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Third Circuit

BRIEF IN OPPOSITION

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QUESTIONS PRESENTED FOR REVIEW

1. Should the Court accept a frivolous Petition for Certiorari based upon fanciful and preposterous factual allegations which are inherently incredible?

2. Should the Court accept a Petition for Certiorari in a case in which the District Court granted summary judgment after correctly determining that Petitioner had failed to present even a scintilla of evidence in support of his incredible allegations?

RULE 29 STATEMENT

Pursuant to Supreme Court Rule 29 the respondents provide the following listing of parent companies and subsidiaries:

Respondent, Coopers & Lybrand is a partnership having no parent stock company.

Respondent, Alternatives to Domestic Violence has no parent company.

Respondents, J. Crew, Inc. and Popular Club Plan, Inc. are both subsidiaries of J. Crew Group, Inc. Respondent J. Crew, Inc. has one subsidiary, Clifford & Wills, Inc.

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STATUTES AND COURT RULES

28 U.S.C. § 1915(d)

The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious.

28 U.S.C. § 1332(a)

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $50,000, exclusive of interest and costs, and is between –

(1) citizens of different States;

(2) citizens of a State and citizens or subjects of a foreign state;

(3) citizens of different States and in which citizens or subjects of a foreign State are additional parties; and

(4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different States.

United States Supreme Court Rule 42.2

When a petition for a writ of certiorari, an appeal, or application for other relief is frivolous, the Court may award the respondent or appellee just damages and single or double costs. Damages or costs may be awarded against the petitioner, appellant, or applicant, or against the party's attorney or against both.

COUNTERSTATEMENT OF THE CASE

Petitioner's Statement of the Case fails to present a concise statement of the case, pursuant to Supreme Court Rule 14, presenting facts material to the consideration of the questions presented. Petitioner's statement of the case merely recites the wild and unsubstantiated allegations of his complaint filed below. The sordid allegations of his complaint, filed in the United States District Court for the District of New Jersey (Docket No. 89-3569) spring entirely from Mr. Eccli's troubled mind. The gravamen of his claims against the defendants/respondents (Mr. Eccli's former employers, Coopers & Lybrand and its former employee Mark Maletz; another former employer of Mr. Eccli, J. Crew, Inc. and its individual employees, and Alternatives to Domestic Violence, a municipal social service agency), is that the defendants allegedly bodily harmed, kidnapped, drugged, tortured and raped his wife, forcing her, with the aid of electronic wires, to sign a contract under which she would provide marathon sexual services for the defendants.

Other allegations include claims that respondents poisoned Mrs. Eccli's food and maintained electronic surveillance of Mr. Eccli's wife and family. Petitioner tried to articulate the allegations under 42 U.S.C. § 1983 claims of due process violations. Although the claims were outrageous, false and libelous, defendants participated in discovery. All defendants denied all the preposterous allegations. Mrs. Eccli, the alleged victim of these egregious acts categorically denied the veracity of Mr. Eccli's allegations. (App. 10) Faced with the absolute dearth of evidence, the Honorable Maryanne Trump Barry presiding over the trial court found that Mr. Eccli

failed to produce any evidence whatsoever in support of his allegations and therefore granted summary judgment dismissing Mr. Eccli's action. (3A-11A).[1] The Third Circuit Court of Appeals upheld the trial court's ruling and denied petitioner's request for a rehearing on October 25, 1990. (12A)

This Court should be aware that the petitioner, appearing *pro se* has not only had his day in the federal courts but has also pursued his groundless claims in the state courts of New Jersey. Mr. Eccli brought a companion action in the Law Division, Bergen County (Docket No. L-38190-89) alleging the same wild and unsubstantiated claims as those raised in the United States District Court. According to the petitioner, the state action "alleges a common nucleus of operative facts" (Petitioner's Brief at 8). The Honorable Isabel Stark presided over the state action at the trial level because of her long familiarity with Mr. Eccli's claims and mental condition. Judge Stark had previously presided over Eugene and Sandra Eccli's divorce proceeding, as well as commitment proceedings held in connection with a domestic violence action filed by Mrs. Eccli against Mr. Eccli for harassment (Docket No. FV02-3801-88A). In the matrimonial suit, counsel for Mr. Eccli was appointed from the Bergen County Mental Health Law Project. Sandra Eccli separately filed two domestic violence complaints against her estranged husband for harassment and fear of her own safety and well-being. The trial court held a full plenary hearing on these

---

[1] Mr. Eccli's state law claims were dismissed for lack of diversity jurisdiction, and claims alleging injury only to Mrs. Eccli were dismissed for want of standing. (3A-11A).

issues on August 8, 1989. As documented in Judge Stark's decision rendered January 5, 1990 (Judge Stark's opinion is reprinted pursuant to Supreme Court Rule 14 at App. 28) prior to this hearing a psychiatrist and psychologist evaluated Mr. Eccli. (App. 13) Judge Stark dismissed Mr. Eccli's Complaint offering the following opinion:

> It is this Court's considered opinion that unfortunately Mr. Eccli's emotional distress is a product of his own mental illness. It is not a result to the events he relates in his Complaint. The Court has found that those events never occurred (except in his mind).

Mr. Eccli relentlessly pursued an appeal of the state court's dismissal which was summarily denied by the Appellate Division of New Jersey. (App. 31) Undaunted, Mr. Eccli petitioned the Supreme Court of New Jersey for certification (Docket No. 32,671) which was denied *with costs* on January 24, 1991. (App. 39)

REASONS FOR DENYING THE WRIT

I.

THE PETITION IS FRIVOLOUS ON ITS FACE AND SHOULD BE DENIED

Appellate courts have the inherent power to dismiss appeals or petitions which are obviously frivolous and lacking in merit. This power is implicit in Supreme Court Rule 42.2, which provides for the imposition of damages upon dismissal of a frivolous cause. *Deming v. Carlisle Packing Co.*, 226 U.S. 102 (1912). The Rule sets no standards for determining whether a petition for certiorari is frivolous. *Hyde v. Van Wormer*, 474 U.S. 992 (1985). However, this Court has recently adopted standards for the determination of frivolousness in other contexts, which

are sufficiently broad and general as to be applicable in the instant case. In *Nietzke v. Williams*, 490 U.S. 319 (1989), a unanimous Court held:

> The courts of appeals have, quite correctly in our view, generally adopted as formulae for evaluating frivolousness under [28 U.S.C.] sec. 1915(d) close variants of the definition of legal frivolousness which we articulated in the Sixth Amendment case of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). There, we stated that an appeal on a matter of law is frivolous where "[none] of the legal points [are] arguable on their merits." Id., at 744, 87 S. Ct. at 1400. By logical extension, a complaint, containing as it does both factual allegations and legal conclusions, is frivolous where it lacks an arguable basis either in law or in fact. As the courts of appeals have recognized, sec. 1915(d)'s term "frivolous," when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation. 490 U.S. at 314.

In the instant case, the petition is based entirely upon "fanciful factual allegations." They are so fanciful, indeed, that merely to read them is to expose them as preposterous. Petitioner alleges that Coopers & Lybrand, a national accounting firm, J. Crew, a mail order clothing distributor, and Alternatives to Domestic Violence, a municipal agency, conspired to drug and torture petitioner's ex-wife. (App. 1) He further claims that Respondents coerced Mrs. Eccli into signing a contract under which she must provide "marathon sexual services" to various of the individual respondents. (App. 3 and App. 5) Of course, Mr. Eccli has never produced a copy of the alleged contract. He sought rescission of this contract in

the state court action, but has not pursued that remedy in federal court.

Mrs. Eccli, who divorced Petitioner effective June 6, 1990, has denied each and every one of these ridiculous allegations. (App. 10) This Court should recognize, as five lower courts have recognized, that Petitioner's allegations are so outlandish as to be inherently incredible. The Petition on its face lacks any basis whatsoever in fact or law.

An appeal or petition may be summarily dismissed if, like the instant appeal, it is lacking even an arguable basis in law and fact. *Nietzke, supra; Urban v. United Nations*, 768 F.2d 1497, 1499 (D.C. Cir 1985). In disposing of such an appeal, "the court has an obligation to protect and preserve the sound and orderly administration of justice." *Urban*, 768 F.2d at 1499; *In re Martin-Trigona*, 737 F.2d 1254, 1262 (2d Cir. 1984). This Court must acknowledge, as many lower federal courts have acknowledged in the context of section 1915(d) determinations that "there is a limit to the indulgence of the law and the resultant imposition on the defendants." *King v. Fayette County*, 92 F.R.D. 457, 458 (W.D. Pa. 1981); *U.S. ex rel. Dattola v. National Treasury Employees Union*, 86 F.R.D. 496, 499 (W.D. Pa. 1980).

The legal system is designed to deal, for the most part, with rational people who find themselves in conflict or disagreement with other rational people. There is little the courts can do when confronted with a party like Mr. Eccli, who is completely irrational with respect to these issues. The courts are not the proper forum for a man so desperately in need of psychiatric treatment. To take his

position seriously, even out of an overabundance of solicitude for his rights, is only to burden the court system and defendants, with no possibility of any benefit to Mr. Eccli. Mrs. Eccli's interests and the respondents' interests must also be considered by the Court. The best accommodation of the interests of all of the parties herein would be denial of the petition.

II.

THE THIRD CIRCUIT CORRECTLY AFFIRMED THE DISTRICT COURT'S JUDGMENT DISMISSING PETITIONER'S CLAIM FOR THE REASONS SET FORTH IN THE DISTRICT COURT'S ORDER

The District Court correctly ruled that Counts 1 through 7 and 12(a) of Petitioner's Complaint alleged causes of action under state law sounding in tort. These redundant Counts alleged, *inter alia*, invasion of privacy, assault, battery, intentional infliction of emotional distress and a R.I.C.O. claim arising from the fantastic events alleged by Petitioner and set forth in Respondents' Counterstatement of the Case. The District Court recognized that there was no independent basis for federal jurisdiction over these state law claims, and that diversity jurisdiction was unavailable as at least one of the individual defendants in that court resided in New Jersey. There is and has been no dispute as to this jurisdictional fact. Consequently, the District Court dismissed these counts on jurisdictional grounds. This dismissal was patently correct, as Petitioner could not meet the clear-cut requirements of 28 U.S.C. § 1332(a) with respect to these counts of the Complaint.

The District Court then turned its attention to the remaining Counts 8, 9, 10, 11 and 12(b). In these Counts, Mr. Eccli alleged that the separate defendants violated Fourteenth Amendment due process protections afforded under 42 U.S.C. § 1983. Mr. Eccli wildly alleged, *inter alia*, that defendant, Alternatives to Domestic Violence used the "shackles of slavery to force [plaintiff's wife] to provide sexual and other services to defendants without any trial." (6A) Mr. Eccli further fantasized and alleged that the defendants administered drugs to his wife in order to physically restrain her without fair procedures in violation of her Fourteenth Amendment rights. (6A) The Court dismissed that aspect of each of these Counts which alleged injury solely to Mrs. Eccli, who remains *sui juris*, on the grounds that Mr. Eccli lacked standing to assert them. *Allen v. Wright*, 468 U.S. 737, 751 (1984), *rehearing denied*, 468 U.S. 1250 (1984); *Duke Power Co. v. Carolina Environmental Study Group, Inc.*, 438 U.S. 59, 79 (1978).

Finally, the Court ruled that Mr. Eccli failed to meet his burden to set forth facts sufficient to establish a *prima facie* case for his own § 1983 claims, citing *West v. Atkins*, 487 U.S. 42 (1988); *Daniel v. Williams*, 474 U.S. 327 (1986); and *Parratt v. Taylor*, 451 U.S. 527, 535 (1981).

The Court continued its ruling stating:

> [m]ere allegations by the non-moving party in the form of legal conclusions unsupported by documentation of specific facts are insufficient to create issues of material fact.

The court accordingly granted summary judgment finding that Mr. Eccli failed to establish federal jurisdiction and failed to present any facts to support his conclusory claims.

Review of Petitioner's Complaint and the record, as presented in Respondents' Brief and Appendix reveals that the District Court properly disposed of Petitioner's claims. Even if the District Court's disposition of the jurisdictional and standing issues were incorrect, the error would be harmless. The facts as Petitioner alleges them simply never occurred, and are so obviously fanciful as to be beyond proof. The District Court recognized this flaw in Petitioner's case with respect to his own claims under 28 U.S.C. § 1983. His other claims also have no factual basis. They were properly dismissed, and the dismissal was properly affirmed by the Third Circuit.

CONCLUSION

The Petition before the Court is frivolous on its face and should never have been brought before this Court. Respondents respectfully request that this Court deny the petition and decline to issue a Writ of Certiorari in this case.

Respectfully submitted,

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Eugene P. Eccli,

Plaintiff

-vs-

Will Von Klemperer
Mark Maletz
Pat DeMarco
Alternatives To Domestic Violence
Coopers and Lybrand
J. Crew
Popular Club Plan,

Defendants

CIVIL ACTION
NO. 87-3569

MTB

COMPLAINT AND DEMAND FOR JURY TRIAL

ORIGINAL FILED
AUG 23 1989

PARTIES

Plaintiff:

Eugene P. Eccli, 36 Wilcox Place, Fairlawn, New Jersey

Defendants:

Will Von Klemperer, 156 Colonial Road, Summit, New Jersey

Mark Maletz, 115 Warren Av, Rochester, New York

Pat Demarco, Hackensack, New Jersey (c/o J. Crew, 625 6th Av, New York, New York)

Alternatives To Domestic Violence, 21 Main Street, Room 111W, Hackensack, New Jersey (Alice Stollman)

Coopers and Lybrand, 1251 Avenue of the Americas, New York, New York (Sam Ruello, Vice-Chairman)

J. Crew, 625 6th Avenue, New York, New York (Arthur Cinader, Sr., President and Joe DelGaudio, Executive Vice President)

Popular Club Plan, 22 Lincoln Place, Garfield, New Jersey (Arthur Cinader, Sr., President and Joe DelGaudio, Executive Vice-President)

JURISDICTION

Jurisdiction on certain of the issues in this case belongs in Federal District Court because these issues involve the breaching of fundamental Constitutional protections, as is hereinafter more fully described and because of diversity with Defendants located in more than one State.

CAUSE OF ACTION

Plaintiff is hereby filing a complaint about the criminal and tortious activities of the Defendants. Several Defendants have been joined to this complaint including individuals, a public organization, and because of vicarious liability as employers, several businesses as well (with mention of the name of a cognizant individual). This was done because of a public-private "joint venture" as hereinafter more fully described.

This complaint is filed pro se and per quod, as the activities of the Defendants damage Plaintiff's interests directly and have also caused substantial harm to Plaintiff's spouse, Sandra J. Eccli.

Another complaint has been filed in Superior Court in the State of New Jersey (Docket No. L-38190 89). A copy of this other complaint (and its associated attachments) is attached as Exhibit 1 of this complaint in Federal District Court. Exhibit 1 is an integral part of this complaint because it provides essential background information.

The Pleadings are as follows:

1). Invasion of Privacy – during the period of May-September, 1988 certain Defendants (J. Crew and Coopers and Lybrand) in collusion planned for and procured the use of techniques of electronic surveillance to monitor oral communications in the Plaintiff's home at 20 Pomander Walk, Ridgewood, New Jersey. This was done without the Plaintiff's permission;

2). Invasion of Privacy – abduction, involving illegal entry and forcible and/or fraudulent removal of Mrs. Eccli by Mr. Von Klemperer, Maletz, DeMarco and others from the Eccli home on or about August 19, 1988 for the purpose of sexual assault and torture with electric wires;

3). Invasion of Privacy – poisoning, involving illegal contamination of certain food item(s) in the Eccli home sometime during the period of August 20 – September 12, 1988 by Mr. Von Klemperer and perhaps others with drug(s) unspecified, such drug(s) having narcotic affects [sic];

4). Invasion of Privacy – involving extortion as well as duress, fraud, and incapacity in contract when on the days immediately following the abduction incident, Mr. Von Klemperer and others did visciously threaten Mrs Eccli with bodily injury and even death for her and her family unless she continued to take the drug(s) mentioned above, participated in sexual marathons with employees of the businesses mentioned above, and kept silent about what was happening. Also, following on the extreme duress caused by the events described above and after continuous overdoses of the drug(s) left Mrs. Eccli mentally enfeebled and in shock from her injuries so as

not to be able to enter into contractual relationships, Mr. Von Klemperer and others did entice Mrs. Eccli into signing a contract whose terms gave the appearance that the illegal behavior in 1-3 above had been consented to. This alleged contract also has been used by the Defendants to justify ongoing irresponsible behavior;

5). Involuntary Servitude – following on the damaging sequence of actions outlined above and continuing intermittently until the present. Defendants have created ongoing conditions which lead Mrs. Eccli to believe it is impossible to escape their destructive domination. These conditions effect Mrs. Eccli and to some extent the Plaintiff and involve terroristic threats of bodily harm in retaliation if Mrs. Eccli tries to extricate herself through a formal complaint or other means from the degrading and abusive relationship with Defendants;

6). Involuntary Servitude – involving torture. The threats described above are especially crippling psychologically following on torture and brainwashing sessions where Mrs. Eccli was abused with electric wires and/or needles;

7). Involuntary Servitude – involving illegal administration of drug(s) to Mrs. Eccli which cause a paralysis of the critical faculties of a person's mind, leaving them temporarily and perhaps permanently mentally incapacitated so they can no longer appraise or control their conduct;

8). Involuntary Servitude – involving peonism, when one of the Defendants, namely Alternatives To Domestic Violence of Hackensack, New Jersey – an organization which receives public funds (County and State) – is involved is using the above shackles of slavery to force an

individual, Mrs. Eccli, to provide sexual and other services to Defendants without any trial. Additional information can be found in Exhibit 1, p4, items 12 and 14;

9). Breach of Due Process Provisions – due process provisions of the U. S. Constitution have been breached over the last year by the Defendants, involving use of drug(s) on Plaintiff and Mrs. Eccli which have the effect of physically restraining an individual without fair procedures;

10). Breach of Due Process Provisions – involving Alternatives To Domestic Violence, when they classified the Plaintiff and Mrs. Eccli for the burden of their actions without giving us an opportunity to present the individual merits of our situation;

11). Breach of Due Process Provisions – on the part of Alternatives To Domestic Violence, when they distorted the intentions of State Law by using Domestic Violence laws in an unconstitutional manner, namely to prevent the Plaintiff from assisting his spouse to extricate herself from a condition of involuntary servitude, thereby obstructing justice;

12). Racketeer Influenced and Corrupt Organization – on the part of Alternatives To Domestic Violence, by not informing the Plaintiff of a potential suicide of his spouse when she found it impossible to extricate herself from a destructive relationship with the Defendants. The potential suicide placed an affirmative duty on alternatives To Domestic Violence to overide [sic] concerns about confidentiality for Plaintiff's spouse and inform the Plaintiff. Further, there is a denial of equal protection under the law as the very domestic violence laws in the State of New Jersey which Alternatives To Domestic Violence is

pledged to uphold encourage them to inform a potential plaintiff of among other things harrassing actions which their spouse is unwillingly involved in with the other Defendants and which could damage the potential plaintiff. This information would have lead [sic] to a formal complaint much sooner, stopping the various forms of racketeer-related violence to members of Plaintiff's family. Instead, part of the rationale for intentionally withholding such information from the Plaintiff has been that they were "testing" the Plaintiff and his wife, despite the fact that such testing is clearly destructive physically and psychologically, and damages the integrity of the individuals involved. Also, there has been bribery and corruption specifically related to this case involving Alternatives To Domestic Violence and the other Defendants, as described in Exhibit 1, p4, item 14.

DEMAND

The relief requested by Plaintiff includes the following:

Plaintiff requests an immediate show cause order followed later in the proceedings by a permanent injunction to restrain the Defendants from further involvement or communication of any sort with the Plaintiff, Mrs. Eccli, and Plaintiff's son. The Federal District Court has authority for such action in this case for several reasons:

– if Defendants are innocent, a show cause order with temporary restraints should not damage their interests; and if guilty, immediate action will prevent irreparable harm from occurring to Plaintiff or Mrs. Eccli in retaliation for Plaintiff's filing this complaint, and prevent the

relative position of the Plaintiff and his immediate family from degrading further until there is time for a trial;

– the invasion of privacy described in this complaint is against Federal law. The status quo, namely a condition of involuntary servitude characterized by ongoing threats, torture, brainwashing, drug(s), and other forms of abuse from which it is psychologically impossible for Mrs. Eccli to extricate herself was therefore arrived at by illegal means;

– involvement among the Defendants, namely between private actors and an organization using public funds (in this case Alternatives To Domestic Violence, a County agency using County and State funds) includes physical and economic contacts and direct aid or subsidy. This type of joint venture between public and private actors makes the actions of not merely the public actor but the private actors as well subject to Constitutional constraints even though no formal agreement may exist. In this case, not only is the 13th Amendment to the Constitution violated, but due process protections in the Constitution have been breached as described in the Pleadings;

– there is Constitutional protection for privacy to assure a substantive measure of sanctuary for the family from unjustified interference by the State so relationships which attend the creation and sustenence [sic] of a family can be maintained. In this case, the sanctuary of the Plaintiff and his immediate family has been wilfully, wontonly, and repeatedly violated. The interference described in the Pleadings and Exhibit 1 to this complaint is arbitrary and unjustified as the illegal and violent behavior which is an essential part of the intervention

contravenes public policy, does not benefit the public, and did not improve the situation for members of Plaintiff's immediate family.

* There has been complicity by Alternatives To Domestic Violence in the tortious conduct of the other Defendants and an unconstitutional interpretation of State law which Alternatives to Domestic Violence has used to camouflage their actions. These actions amount to those of a racketeer-influenced, corrupt organization. Plaintiff requests reversal of a restraining order against him so that a process of reconciliation with Mrs. Eccli can proceed without unjustified interference. While the Court might normally have to balance Mrs. Eccli's personal freedom of choice against the interests of promoting a stable family life, this is not an issue when the woman has lost effective control of her mind and her decisions after experiencing an ongoing condition of involuntary servitude as described herein.

* The actions of the Defendants include defamation of Plaintiff and Mrs. Eccli as more fully described in Exhibit 1, p3, item 8. Plaintiff requests restitution in the form of best efforts by Defendants to reverse the damage to the professional and personal reputations of Plaintiff and Mrs. Eccli.

* The Criminal Conversation of the Defendants was accompanied by independent torts (namely invasion of privacy, mental anguish, fraud, and defamation), resulting in personal damages which were immediate and consequential for the Plaintiff and Mrs. Eccli. The acts of the Defendants described in this complaint were done with malice and wonton disregard of Plaintiff's and Mrs.

Eccli's self-respect and dignity. Plaintiff requests $500,000. in damages from Defendants over and above any attorney's fees, Court costs, or other associated expenses, said funds to be used by Plaintiff for ongoing medical care of Mrs. Eccli.

As the issues involved in this case are both equitable and legal, Plaintiff requests a jury trial.

/s/ Eugene P. Eccli
Eugene P. Eccli
36 Wilcox Place
Fairlawn, New Jersey

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

EUGENE P. ECCLI, Plaintiff, vs. WILL VON KLEMPERER, MARK MALETZ, PAT DeMARCO, ALTERNATIVES TO DOMESTIC VIOLENCE, COOPERS and LYBRAND, J. CREW and POPULAR CLUB PLAN, Defendants.	Case No. 89-3569 (HAA) Hon. Maryanne Trump Barry, U.S.D.C.J. **AFFIDAVIT**

STATE OF NEW JERSEY :
: SS.
COUNTY OF :

Defendant, Sandra Eccli, of full age and on her oath, deposes and says:

1. To the best of my knowledge, neither Pat De Marco, William Von Klemperer, nor any other employee of J. Crew or Popular Club Plan, has ever used any electronic surveillance technique to monitor oral communications in the plaintiff's home at 20 Pomander Walk, Ridgewood, New Jersey during the period of May through September 1988 or at any other time as alleged in paragraph 1 of the plaintiff's complaint.

2. I was not abducted from my home on or about August 19, 1988, as alleged in paragraph 2 of the plaintiff's complaint.

3. None of the defendants ever poisoned food in my home during the period of August 20, 1988 through September 12, 1988 or at any time as alleged in paragraph 3 of the plaintiff's complaint.

4. None of the defendants have ever threatened me with bodily injury or death as alleged in paragraph 4 of the plaintiff's complaint.

5. I have never participated, willingly or unwillingly, in "sexual marathons" with the defendants as alleged in paragraph 4 of the plaintiff's complaint.

6. I have never entered into a contractual relationship with the defendants as alleged in paragraph 4 of the plaintiff's complaint.

7. The defendants never created conditions which lead me to believe "it was impossible to escape their destructive domination" as alleged in paragraph 5 of the plaintiff's complaint.

8. I have never been held under the "domination" of any of the defendants as alleged in paragraph 5 of the plaintiff's complaint.

9. I have never been held in involuntary servitude or abused with electric wires or needles as alleged in paragraph 6 of the plaintiff's complaint.

10. I have never been held in involuntary servitude by the administration of drugs as alleged in paragraph 7 of the plaintiff's complaint.

11. I have never been held in involuntary servitude or been forced to provide sexual or other services to any

of the defendants as alleged in paragraph 8 of the plaintiff's complaint.

12. The defendants have never physically restrained me through the use of drugs as alleged in paragraph 9 of the plaintiff's complaint.

13. All allegations in the plaintiff's complaint asserting wrongful acts by the defendants are untrue.

14. I have never met, nor have I ever had a conversation with Pat De Marco.

15. I have never met, nor have I ever had a conversation with William Von Klemperer.

16. To the best of my knowledge, my husband Eugene Eccli is an extremely sick man who suffers from paranoid delusions. The allegations in the Complaints filed in both state and federal court have no basis in fact, and arise from Mr. Eccli's delusions.

/s/ Sandra Eccli
SANDRA ECCLI

Sworn to and Subscribed before
me a Notary Public of the State
of New Jersey on this 1st day
of November, 1989.

REGINA MARY FAITH
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JAN. 24, 1994
NOTARY PUBLIC OF NEW JERSEY

/s/ Regina Mary Faith
Nov. 1, 1989

[LOGO]
FAMILY SERVICES OF BERGEN COUNTY
10 BANTA PLACE,
HACKENSACK, NEW JERSEY 07601
(201)342-9200

RECEIVED
JUL 13 1989
ISABEL BREWER STARK
J.S.C.

Natalie C. Webb, ACSW
Executive Director

July 10, 1989

Jacob E. Stump, MD
Medical Director

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Hazel Cogar
Diane Dovi
John Deeg
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Mark H. Holzberg
Marvin Kroft
James W. Lee, Jr.
Carol Martin
Alix R. Palmer
Marion E. Purbeck
Sandra A. Robinson
Juanita Sayres

William Schuber
William H. Stafford

The Honorable Isabel Stark, J.S.C.
Superior Court of New Jersey
Chancery Division-Family Part
Bergen County Court House
Hackensack, N.J. 07601

Re: Eccli vs Eccli
Docket No. FV-02-2720-89A

Dear Judge Stark,

Enclosed you will find our psychological/psychiatric evaluation on ___.

I hope it will be helpful to you. Please feel free to contact me if you have any questions or concerns.

Sincerely,

/s/ Barbara Westerberg
Barbara Westerberg, MSW
Diagnostic Unit Coordinator

PSYCHOSOCIAL EVALUATION
Eccli vs Eccli
Family Services of B.C., Hackensack, N.J.

Psychosocial interviews: Eugene Eccli, 6/6/89, and Sandra Eccli, 6/8/89, with Dr. Sally Feather, psychologist, and Barbara Westerberg, CSW.

Eugene Eccli, 42, and Sandra Eccli, 53, were married in May 1969. They have one son John, age 17. Eugene is at present asking for custody of his wife and son. At present there is a restraining order against Eugene. He admits he knocked Sandra down in June 1988 and that it was

wrong. He left her in September 1988 and wanted a divorce, but he now wants a reconciliation and she wants a divorce. Eugene said he would like to have Sandra alone. There would be "a lot of verbal arguing for a few days" but he needs temporary custody because he is committed to "work the marriage out".

Eugene is the youngest child of Irene, 85, and Maris (deceased in 1963 when Eugene was 16). He has two older sisters, Virginia 57 and Yvonne 51 and a brother Bill 55. Eugene's father was sick by the time he was six and he was "palmed off on teenage sisters". Sandra is an only child of Mary Fulton, 85, and James (deceased 12 years ago).

Sandra said Eugene was told by his father that he was a change of life baby and cost him money. He had a deep hatred for his father and was never able to resolve it because his father died too early.

Eugene said that what went wrong in the marriage was complicated. There were dissatisfactions on both sides as the relationship grew stale after their son went to college. Sandra began talking to his superiors about family matters. He is concerned about her wellbeing, her physical and mental health. He said she has thought of suicide, her personality has changed: she is weaker, more easily led. She is on drugs which help her live with herself. She is in an organization, not a cult, which is exploitive.

Sandra said she noticed intermittent paranoid behavior in 1977-78. At the time Eugene was working for the National Science Foundation. They became a primary focus for his paranoia even though Eugene changed jobs several times,

each time his reasoning being superiors and office politics. He had little problem getting new jobs because of his expertise in artificial intelligence until his illness affected his work. At present Eugene is an assistant night manager at a "Stop and Shop" food store. Sandra described a marriage of intellectual compatibility and efforts. She told more of her husband's accomplishments than he had. Besides paranoid behavior Sandra described behaviors such as making expensive Swedish coffee, cup after cup, fixing it, taking a few sips and leaving it. She found cups of coffee all over the house. She also described an episode where he did a third person narrative at the dinner table – red in the face and staring – starting with "your father has been attacked again . . . " He directed his paranoia toward her when she stopped being his support and questioned his accusations. He struck her a year ago, became verbally abusive to their son and she got the restraining order in fear and because she is so "demeaned" in his letters. She has become afraid of him.

Their son Jay 17, is a large man and an athlete, according to Sandra. He graduates from high school in June and has joined the Navy. Jay has been seeing a counselor, Daniel Goldfarb, and his grades gradually improved. Eugene hoped John would go to college, He describes him as "intelligent, willful and underdisciplined intellectually." He says Sandra and he are not into sports as their son is.

Sandra would like the divorce to be completed and get help for Eugene.

Barbara Westerberg, CSW,
Diagnostic Unit Coordinator

PSYCHOLOGICAL EVALUATION
Eccli vs. Eccli
Family Services of Bergen County, Hackensack, N.J.

Source of Information: (1) A 90-minute interview with Eugene Eccli conducted jointly with Barbara Westerberg, CSW, on 6/6/89, (2) a 90-minute interview with Sandra Eccli conducted jointly with Barbara Westerberg on 6/8/89, (3) results of the Millon Clinical Multiaxial Inventory administered to both Eugene and Sandra Eccli on 6/12/89 and 6/8/89, respectively and (4) a 40-minute interview with 17-year-old John on 6/12/89.

Impression of the Father: Eugene Eccli is a neatly dressed and groomed 42-year-old businessman appearing older than his stated age who seemed subdued and reserved, pleasant but without apparent warmth. The main characteristic noted was his guardedness and lack of specific detail that would make him or his story understandable. Despite specific and repeated questioning, Eugene remained vague throughout the 90 minutes about his married life, his business life, and even about the specific worries he has about his wife that lead him to seek custody of her.

Eugene described his marriage and life as fairly ordinary with his frequently changing jobs "to better myself careerwise," and then in the last few years having lost a few jobs partly because of his wife's interference in calling his office, he believes. Although obviously quite intelligent and well educated he seemed quite lacking in insight about himself or others around him. Information about his background revealed a boy who grew up emotionally not close to his family, perhaps due to his father's

ng an invalid, but someone who has remained somewhat of a loner, and at present has few if any friends.

Eugene finally suggested that we should have the court papers with complaints about his wife, which he left off after the session. Contents of these papers are quite bizarre and clearly indicate a person suffering from a paranoid process which then makes his guardedness in the interview somewhat more understandable.

Psychological Test Results: The psychological test results for Eugene Eccli provide further data about his personality makeup which suggest "(1) a well-established need for social approval and commendation and (2) a general naivete about psychological matters, including a deficit in self-insight that derives from a long-standing habit of attending to superficial appearances."

"This egocentric man may be identified by his inflated sense of self-importance, his resentful and arrogant attitudes, his socially intimidating manner, and his voiced pride in self-reliance, unsentimentality, and competitive values. Although posturing self-confidence, his behaviors hide a deep insecurity about his self-worth and are employed to compensate for past humiliations and failures. Deeply felt resentment is projected outward, precipitating frequent squabbles, antagonism, and personal and family difficulties. In his opinion, others are belligereent [sic] and antagonistic, and thus he is justified in his defensive aggressiveness.

The guiding principle for this man is that of outwitting others so as to use them to enhance himself. Constantly seeking recognition, admiration, and power, he looks to

exploit others. Closeness and intimacy, displays of weakness, and a willingness to compromise are seen as fatal concessions that can be avoided by acting cool, arrogant, and self-assured.

He is shamelessly self-centered and socially intolerant, aware of – but intentionally inconsiderate of – the feelings of others. He expects special attentions from others without intending to reciprocate. Although he is unlikely to pursue frank antisocial behavior, he may experience alcoholism or drug difficulties. His failures and social irresponsibilities are typically justified with nonchalant indifferences, boastful arrogance, and unvarnished prevarications.

This man is characteristically touchy and jealous, inclined to brood and harbor grudges and likely to ascribe malicious tendencies to others. Easily provoked, he may express sudden, unanticipated brutality. Morevover [sic], he may distort and magnify the incidental remarks of others into major insults and purposeful slanders. Much of his expansive and arrogant demeanor may be a posture and fantasy of importance and potency rather than a reality, and it may be acted out only with safe partners and subordinates. Nevertheless, his desire to impress and to intimidate others is deeply felt and stems from his need to overcome his sense of inner weakness and to vindicate past injustices."

Impression of the Mother: Sandra Eccli impressed as a bright, competent, middleaged woman who is fairly upset, occasionally to the point of tears, as she talks of the "loss" of her husband as he once was and their once-

stable marriage. Sandra wishes that there would be psychiatric and neurological help for Eugene to stop the insidious paranoid process that she has seen growing for about eleven years. She is now alarmed enough about his delusions about herself and his former business associates to be quite concerned for all involved.

Sandra's stability and level of competence are not in any serious question, and her account is entirely believable. In marked contrast to her husband, Sandra answered questions in an open unguarded way, even noting her own doubts and mistakes. She filled in the gaps in his account which had omitted mention of his once-brilliant "boy wonder" level of functioning as a scientist, author, and successful businessman. She traced the deterioration of his career and standing to the sad situation in which he now exists. She sees this as the result of his own insecurity and paranoia with his now being "extremely weird." Unable to do anything to help, she now finds her only course is to protect herself and her son by getting a divorce and if possible to get psychiatric care for him.

The psychological test results for Sandra Eccli suggest some personality problems as well but on a much less severe level, not especially relevant to the problems of this court case.

Interview with the son: John Eccli is a large, blonde, muscular 17 year old boy who related well although quite seriously, and did not exhibit the reserve about talking or sharing his feelings that his father thought that he might, or that his father did. John is remarkable, not only in his superior intellect similar to both his parents, but also in the maturity with which he seems to be handling his

parents' problems. John says that his father has always seemed different and difficult as long as he can remember. He says that they have never had a close relationship because of his Dad's lack of interest in talking or sharing his "dumb jokes." John says he dislikes visiting his Dad these days because "it's boring" since they have so little in common. And yet, he seems to accept his limited relationship and not be unduly disturbed about it.

John admits that as a child he was unhappy and isolated probably stemming from the poor father-son relationship, but somehow since about age 14 he thinks he pulled out of it and realized tht [sic] *he* was okay. Since then he has developed many interests (computers, weight lifting, sports) and friends, including now a steady girlfriend, and generally feels pretty good about his life. He has definite career goals beginning with entering the Navy this summer.

Does he worry about his parents at this time? Well, he thinks his Mom is a very capable, sensible person (with whom he gets along well) and thinks she is good about taking care of herself. He will keep in touch with each parent when he leaves the area and sees no problem with his father that he cannot handle himself.

General Impressions: This is a tragic family story where the father has gradually developed a serious paranoid state of mind, the effects of which have victimized his wife and son as well as himself. The son has somehow managed to escape major serious effects from his father's personality problems and will soon be away on his own in the Navy. The mother, although depressed by the

current crisis with her estranged husband and worried about his behavior, seems otherwise fairly stable.

The court needs to take whatever measures that it can to ensure the safety of the wife including granting her the divorce and full custody of the son. Although Mr. Eccli does not have a violent history, his delusions are so severe and involve a belief in violence from others, that it suggests he might become dangerous. Paranoid persons are unpredicable [sic], making all of this more worrisome.

Court-ordered inpatient psychiatric treatment is a possibility but even if Mr. Eccli is superficially compliant, he is unlikely to see that he has the problem. Prognosis is very poor for such narcissistic and paranoid persons.

RECOMMENDATION: Grant the divorce that the wife is asking, along with full legal and physical custody of the son. Leave visitation up to the son.

Sally Feather, Ph.D.
Clinical Psychologist

SF:RS

PSYCHIATRIC EVALUATION
Eccli vs Eccli
Family Services of B.C., Hackensack, N.J.

Psychiatric evaluation: Sandra and Eugene Eccli and son John, 17.

Sandra Eccli was a 50 year old woman who described a tragic decline in the mood of her husband. He was a man for whom she had great admiration which seemed deserved. She was able to described his achievements in a

way that he could not possibly do. Along with it was her clear distress as she more and more recognized his illness.

According to Mrs. Eccli though an inkling of his illness began 12 years ago when he was working for the National Science Foundation. He began to tell her how that organization turned against him at the beginning she believed him but as time past [sic] and he quit job after job due to machinations of outreach organization (after the NSF) she began to realize all was not well with him.

She told with anguish of his accusing her of betrayal. She found his description of the violence perpetrated on her by others very frightening. There had been no violence and therefore it was all in his mind and as a result she was at risk. She reported 2-3 months ago in a phone conversation with him that he said "don't worry if anything happens to me – you'll be taken care of."

She reported that he has Krohns disease (an intestinal disorder, serious but of unknown etiology) and is supposed to take vitamin B injections. She also is concerned that he might have a brain tumor but he won't see a doctor.

Her own history was relatively innocuous. She has a number of degrees. She has been able to always find work and is currently working. She has no history of mental illness or her family. She denies drug and alcohol abuse. She was a lively woman who is still mourning the husband she once had. That man no longer exists.

The son John, 17 years old, was seen briefly. He said that his father had always been suspicious and difficult and is

now more so. He said his father gave him a bad time about joining the Navy. He was present when his father attacked his mother and came between them. He cannot evaluate his mother's danger at this time.

Eugene Eccli, 42 years old. Mr. Eccli was a tall muscular man, neatly dressed in a business suit and tie. When I asked him to tell me his view of the current situation, he said that there were court proceedings with two areas of activities. He stated that his wife had a restraining order against him and that she has broken it. He said that he in turn has raised a number of issues. "I'm involved in a business vendetta. It has emerged that my wife is a victim of sexual misconduct and mind-altering drugs." When asked how it emerged he said he had strong suspicions and felt he was drugged as well to get him out of the household. When asked for more specific details he said he overheard his wife talk to his son about sedatives and some kind of drug that induces psychosis. This drug made him unable to control his mind, caused a loss of contact with reality, an accumulation of anxiety and fears and an inability to concentrate. His sister somehow warned him of this and he managed to get out of the control of the people and drugs.

He said he learned of the vendetta through the grapevine and that allegedly "I was disliked for having certain job situations." He elaborated when asked in regard to the sexual misconduct stating that his wife was abducted and forced sexually. He stated that she is now in the hands of a "viscious [sic] pimp, a killer."

He feels the court will grant his "reasonable" request for temporary custody. He would not name the viscious [sic]

person though persumably [sic] someone in a company he had left. He has reported all these matters to police and FBI. He made some reference to a shoot out though at this time he doesn't own a gun but knows how to shoot pistols and rifles.

The restraining order came after the "only" episode of violence about one year ago when he knocked his wife down and kicked her. It was made permanent in January 1989. However, he has gradually realized she is a victim and his idea is to be made her guardian and then he can release her from this bondage. He could not tell me what plans he had for her salvation. He has become more and more insistent on reconciliation. He believes his request for guardianship is reasonable and the court will grant it. He then compared the situation to that of Patty Hearst when she was abducted.

Mr. Eccli was vague about his work, the nature of it and where, etc. was not stated as one might expect. He has had 4-5 jobs in the past 2 years. Before that he had been involved in two companies for overlapping periods. Again his role could not be elicited.

The family history was negative and Mr. Eccli had no history of drug abuse, alcohol abuse or hospitalization for mental illness.

His marriage occurred 20 years ago and they have a 17 year old son who is graduating from high school and joining the Navy.

DISCUSSION: Eugene Eccli is suffering from a major psychiatric disorder called paranoia 297.10. Not only does he suffer, but many people involved with him suffer

as a result. Certainly his wife, son and former employers, colleagues, etc.

Eugene Eccli is potentially violent. He has delusions that contain violence. He will not be able to take the Judge's decision regarding custody of his wife in a realistic way even though he says words that satisfy. He already feels he has the right to control her and this will not be altered by reason. What amount of stress would precipitate violence is not something one can forecast. The possibility is decidedly there and the court should not treat it lightly.

RECOMMENDATION: The divorce should be granted. Eugene Eccli should be prevented against further contact with his wife. Their 17 year old son John is not a problem as he has already made his escape via the Navy.

From my examination of the Eccli family it is clear that Mr. Eccli suffers from a serious mental illness called paranoia. While intact in many ways he has delusions that are fixed and will not respond to any treatment other than neuraleptic medication (he may not respond to those drugs either). The aggressive nature of his delusions make him potentially lethal. There is no way to predict accurately the real danger represented by this man. However, most psychiatrists would agree that his illness presents a real danger. Court ordered hospitalization is indicated for this man, though this is not necessarily a guarantee that he won't harm somebody such as his wife.

Jacob E. Stump, MD
Psychiatrist

JES:RS

SANDRA J. FULTON
Box 877
Ramsey, New Jersey 07446
201-825-8700, ext. 270

Pro Se

EUGENE P. ECCLI,
plaintiff

vs.
Sandra J. Eccli
Will von Klemperer
Mark Maletz
Pat DeMarco
Alternatives to
Domestic Violence
Coopers & Lybrand, Inc.
J. Crew, Inc.
defendants

SUPERIOR COURT OF
NEW JERSEY LAW
DIVISION – BERGEN
COUNTY SPECIAL CIVIL
PART DOCKET NO.
L-38190 89

Civil Action

FILED
JAN 5 1990

This matter being opened to the Court on Motion of SANDRA J. ECCLI, acting *Pro Se*, for an order C and the Court having considered the matter and good cause appearing,

IT IS, on this 5th day of January 1990, ORDERED that all Counts of the suit at law brought by EUGENE P. ECCLI, Pro Se, against SANDRA J. ECCLI *et al.* be dismissed with prejudice and

IT IS, further, ORDERED that a copy of this Order be served upon the Plaintiff and all Counsel within seven days of the date of this Order.

/s/ Isabel D. Stark
J.S.C.

Papers filed with the Court:
( ) Answering Papers
( ) Reply Papers

SUPERIOR COURT OF NEW JERSEY

SEAL

ISABEL BRAWER STARK
JUDGE

BERGEN COUNTY COURT HOUSE
HACKENSACK, N. J. 07601-7686
201-646-3015

January 16, 1990

Sandra J. Fulton Eccli
Box 877
Ramsey, New Jersey 07446

Eugene P. Eccli
36 Wilcox Place, East Apt.
Fair Lawn, New Jersey 07410

Shanley & Fisher, P. C.
131 Madison Avenue
Morristown, New Jersey 07962-1979

Berek P. Don, County Counsel
Admin. Bldg., Court Plaza South
21 Main Street
Hackensack, New Jersey 07601

Re: Eugene P. Eccli v. Sandra J. Eccli, et al Docket No. L-38190-89

Ladies & Gentlemen:

On January 5, 1990 during a telephone conference with the two Ecclis, pro se, and counsel for each named defendant, the Court indicated that the entire matter was Dismissed.

Mr. Eccli's complaint alleges acts supposedly perpetrated upon defendant Ms. Eccli by all other defendants. Ms. Eccli has certified that no such acts ever occurred and she was never harmed. I believe Ms. Eccli. None of the alleged acts were said to have occurred in Mr. Eccli's presence. Mr. Eccli has therefore failed to articulate a

cause of action cognizable in the State of New Jersey. See *Decker v. Princeton Packet*, 116 *N.J.* 418, 430 (1989); *Frame v. Kothari*, 115 *N.J.* 638 (1989).

The identical allegations contained in this civil complaint were the basis for a domestic violence complaint filed by Ms. Eccli against Mr. Eccli for harassment and fear for her own safety and well being. (Docket No. FV-02-3801-88-A) This Court held a full plenary hearing on these issues on August 8, 1989. Counsel had been appointed for Mr. Eccli on July 26, 1989. Prior to the hearing, a psychiatrist and a psychologist evaluated Mr. Eccli and his contentions.

At the hearing, testimony was adduced from the psychiatrist and psychologist. They unequivocally stated that Mr. Eccli was suffering from paranoid psychosis and that his allegations (complaint herein) were a figment of that mental illness. They believed that his statements (complaint) demonstrated a probable imminent likelihood of misguided acting out in the form of harm to himself or Ms. Eccli. This Court correlated the experts' evaluations with the demeanor of Mr. Eccli during his statements to the Court and Ms. Eccli's demeanor when she explained the onset of Mr. Eccli's delusions, their continued worsening and devolving into physical attacks on Ms. Eccli, her fear of him and her assertion that none of his allegations ever happened to her. I found the evidence to be patently clear and convincing that Mr. Eccli's allegations were a product of his paranoid psychosis and that his delusions made him a real and present danger to himself and others. By Order dated August 8, 1989, Mr. Eccli was committed to Bergen Pines.

It is this Court's considered opinion that unfortunately Mr. Eccli's emotional distress is a product of his own mental illness and is not a result of the events he relates in his complaint. The Court has found that those events never occurred (except in his mind); the prior orders of the Court were not appealed. Mr. Eccli is collaterally estopped from proceeding with any other filings based on the same or substantially similar facts. *Kozlowski v. Smith*, 193 *N.J. Super* 672 (App. Div. 1984).

Very truly yours,

/s/ Isabel Brawer Stark
Isabel Brawer Stark, J. S. C.

ibs/mc

ORDER ON MOTION

EUGENE ECCLI

-vs-

WILL VON KLEMPERER, ET AL

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO. A-3029-89T1

MOTION NO. M-5697-89

BEFORE PART: N

JUDGE(S):
DREIER
D'ANNUNZIO

FILED JUL 23 1990

MOTION FILED: JUNE 18, 1990

ANSWER(S) FILED: JULY 2, 1990

BY: EUGENE ECCLI
BY:
BY:
BY:

SUBMITTED TO COURT: JULY 16, 1990

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON THIS 19th DAY OF July, 1990, HEREBY ORDERED AS FOLLOWS:

MOTION BY	GRANTED	DENIED	OTHER
RESPONDENT COOPER & LYBRAND ET AL FOR SUMMARY DISPOSITION	x		x

SUPPLEMENTAL:

See M-5595-89

I hereby certify that the foregoing is a true copy of the original on file in my office.

/s/ Emille Cox
Clerk

FOR THE COURT:

/s/ William A. Dreier
WILLIAM A. DREIER
P.J.A.D.

dfw
T-23

9/88

ORDER ON MOTION

EUGENE ECCLI

-vs-

WILL VON KLEMPERER, ET AL

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO. A-3029-89T1

MOTION NO. M-5313-89

BEFORE PART: N

JUDGE(S):
DREIER
D'ANNUNZIO

FILED JUL 23 1990

MOTION FILED: MAY 25, 1990

ANSWER(S) FILED: JULY 2, 1990

BY: EUGENE ECCLI
BY:
BY:
BY:

SUBMITTED TO COURT: JULY 16, 1990

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON THIS 19th DAY OF July, 1990, HEREBY ORDERED AS FOLLOWS:

MOTION BY	GRANTED	DENIED	OTHER
RESPONDENT WILL VON KLEMPERER, PAT DEMARCO, J. CREW AND POPULAR CLUB PLAN FOR SUMMARY DISPOSITION OR IN THE ALTERNATIVE FOR 30 DAY EXTENSION OF TIME TO FILE BRIEF	x		x

SUPPLEMENTAL:

The motion for summary disposition is granted; the alternative motions are moot. See M-5595-89.

I hereby certify that the foregoing is a true copy of the original on file in my office.

/s/ Emille Cox
Clerk

FOR THE COURT:

/s/ William A. Dreier
WILLIAM A. DREIER
P.J.A.D.

dfw
T-23

9/88

ORDER ON MOTION

EUGENE ECCLI

-vs-

WILL VON KLEMPERER, ET AL

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO. A-3029-89T1

MOTION NO. M-5417-89

BEFORE PART: N

JUDGE(S):
DREIER
D'ANNUNZIO

FILED JUL 23 1990

MOTION FILED: JUNE 1, 1990

ANSWER(S) FILED: JULY 2, 1990

BY: EUGENE ECCLI
BY:
BY:
BY:

SUBMITTED TO COURT: JULY 16, 1990

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON THIS 19th DAY OF July, 1990, HEREBY ORDERED AS FOLLOWS:

MOTION BY	GRANTED	DENIED	OTHER
RESPONDENT ALTERNATIVES TO DOMESTIC VIOLENCE FOR SUMMARY DISPOSITION	x		x

SUPPLEMENTAL:

See M-5595-89.

I hereby certify that the foregoing is a true copy of the original on file in my office.

/s/ Emille Cox
Clerk

FOR THE COURT:

/s/ William A. Dreier
WILLIAM A. DREIER
P.J.A.D.

dfw
T-23

9/88

ORDER ON MOTION

EUGENE ECCLI

-vs-

WILL VON KLEMPERER, ET AL

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO. A-3029-89T1

MOTION NO. M-5595-89

BEFORE PART: N

JUDGE(S):
DREIER
D'ANNUNZIO

FILED JUL 23 1990

MOTION FILED: JUNE 11, 1990

ANSWER(S) FILED: JULY 2, 1990

BY: EUGENE ECCLI
BY:
BY:
BY:

SUBMITTED TO COURT: JULY 16, 1990

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON THIS 19th DAY OF July, 1990, HEREBY ORDERED AS FOLLOWS:

MOTION BY	GRANTED	DENIED	OTHER
RESPONDENT SANDRA ECCLI FOR SUMMARY DISPOSITION	x		x

SUPPLEMENTAL:

Defendant Eccli's motion for summary disposition is granted. *R.* 2:8-3(b). The dismissal of the complaint is affirmed substantially for the reasons stated by Judge Stark in her oral decision of January 5, 1990.

I hereby certify that the
foregoing is a true copy of the
original on file in my office.

/s/ Emille Cox
Clerk

FOR THE COURT:

/s/ William A. Dreier
WILLIAM A. DREIER
P.J.A.D.

dfw
T-23

9/88

SUPREME COURT OF NEW JERSEY
C-514 September Term 1990

32,671

EUGENE P. ECCLI,

Plaintiff-Petitioner,

vs.

WILL VON KLEMPERER, et al.,

Defendants-Respondents.

ON PETITION FOR CERTIFICATION FILED JAN 24 1991

To the Appellate Division, Superior Court,

A petition for certification of the judgment in A-3029-89T1 having been submitted to this Court, and the Court having considered the same;

It is ORDERED that the petition for certification is denied, with costs; and it is further

ORDERED that the appeal in the within matter is dismissed pursuant to *Rule* 2:12-9.

WITNESS, the Honorable Robert N. Wilentz, Chief Justice, at Trenton, this 22nd day of January, 1991.

I hereby certify that the foregoing
is a true copy of the original on file
in my office.

/s/ Stephen Townsend
CLERK OF THE SUPREME
COURT OF NEW JERSEY

/s/ Stephen Townsend
CLERK OF THE
SUPREME COURT

IN THE
SUPREME COURT OF THE UNITED STATES

EUGENE P. ECCLI, *Petitioner*

v.

WILL VON KLEMPERER, *et al.*, *Respondents.*

CERTIFICATE OF SERVICE

I, EUGENE P. ECCLI, HEREBY CERTIFY THAT ON THIS 23RD DAY OF JANUARY, 1991, THREE (3) COPIES OF THE PETITION FOR WRIT OF CERTIORARI IN THE ABOVE-ENTITLED CASE WERE MAILED, FIRST CLASS POSTAGE PREPAID TO COUNSEL FOR ALL RESPONDENTS HEREIN AS LISTED BELOW. I FURTHER CERTIFY THAT ALL PARTIES REQUIRED TO BE SERVED HAVE BEEN SERVED.

ROBERT E. MENSEL, ESQ.
HANLON, HERZFELD & RUBIN, P.C.
EXECUTIVE PLAZA, SUITE 300
10 PARSONAGE ROAD
EDISON, NEW JERSEY 08837-2416
(201) 549-9880
COUNSEL FOR WILL VON KLEMPERER, PAT DEMARCO, J. CREW, AND POPULAR CLUB PLAN

ARTHUR R. SCHMAUDER, ESQ.
SHANLEY & FISHER, P.C.
131 MADISON AVENUE
MORRISTOWN, NEW JERSEY 07962-1979
(201) 285-1000
COUNSEL FOR COOPERS & LYBRAND AND MARK MALETZ

PETER J. SCANDARIATO, ESQ.
Office Of The County Counsel
Administration Building
Court Plaza South, 21 Main Street
Hackensack, New Jersey 07601-7000
(201) 646-2560
Counsel for Alternatives To Domestic Violence

I certify under penalty of perjury that the foregoing is true and correct. Executed on January 23, 1991.

/s/ Eugene P. Eccli
Eugene P. Eccli
36 Wilcox Place
Fair Law, NJ 07410
(201) 796-1042
Petitioner, Pro Se